

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED
July 28, 2020

David J. Bradley, Clerk of Court

United States of America
v.

David ROQUE

Case No. **4:20mj1337**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 28, 2020 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C § 922(g)(5):

Possession of a firearm by a prohibited person (an illegal alien)

This criminal complaint is based on these facts:

See attached affidavit.

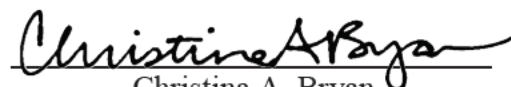
☒ Continued on the attached sheet.


Complainant's signature

ATF Special Agent Natasha Smith

Printed name and title

SUBSCRIBED TO AND SWORN TELEPHONICALLY on July 28, 2020.


Christina A. Bryan

United States Magistrate Judge

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, NATASHA H. SMITH, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) employed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and I have been so employed since January 2016. I have a Bachelor's Degree in Criminology from the North Carolina State University, and a Graduate Certificate in Homeland Security from the Pennsylvania State University. I am a graduate of the Federal Law Enforcement Training Center, Criminal Investigator Training Program at Glynco, Georgia. I also graduated from the Bureau of Alcohol, Tobacco, Firearms and Explosives Special Agent Basic Training Course at Glynco, Georgia. I also graduated from the Wake Tech Basic Law Enforcement Training (BLET) Police Academy in North Carolina.

2. As an ATF Special Agent, I have personally conducted multiple complex criminal investigations on a variety of Federal and state criminal statutes; some specifically involving the unlawful possession of firearms by prohibited persons, burglaries and armed robberies of Federal Firearms Licensees (FFL), individuals dealing in firearms without a license, the illegal smuggling of firearms from the US into the country of Mexico, and the possession and distribution of narcotics. During these investigations, I have participated in various types of investigative techniques, including electronic surveillance; undercover agents and informants; and controlled

purchases of firearms from suspects. I have participated in physical surveillance operations and have participated in the execution of state and federal arrest warrants and search warrants.

3. As a result of my training and experience, I have gained knowledge in the utility of undercover agents, confidential informants, physical surveillance, electronic surveillance, Title III wiretaps, consensual recording, investigative interviews, search warrants of social media accounts, mail covers, garbage searches, GPS tracking devices, pole-mounted cameras, the service of Grand Jury subpoenas, courtroom testimony, and the execution of Federal and State search and arrest warrants.

4. By virtue of my training and experience, and through consultation with other Special Agents and officers who have conducted firearm investigations, I have become familiar with the methods used by firearms traffickers to acquire, transport, safeguard, and distribute firearms.

5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

6. For the reasons stated below, I submit that there is probable cause to believe that David ROQUE (DOB: 01/14/1996) violated Title 18 U.S.C. § 922(g)(5)—possession of a firearm by prohibited person (an illegal alien).

PROBABLE CAUSE

7. On or about July 1, 2020, I spoke with Houston Police Department (HPD) Officer R. Segura concerning a call he responded to several days prior. After speaking with him, as well

as reviewing HPD report #851556-20, I learned the following:

8. On June 28, 2020, HPD officers were dispatched to a suspicious person with a weapon call at 6413 Atwell Dr., Houston, Harris County, Texas 77081 in the Southern District of Texas. This apartment complex/area is known to officers as a high crime area that is highly associated with the Southwest Cholos (a local Hispanic gang). Upon arrival, the officers observed three to four (3-4) individuals standing behind a white 2003 Cadillac Escalade (temporary TX license plate 72091W7).

9. Once these individuals observed the officers, two (2) of them fled on foot. The other two (2) individuals (including an individual later identified as David ROQUE, H/M, DOB: 01/14/1996) stayed near the aforementioned Cadillac. ROQUE began making furtive movements around the Cadillac and rushed to close the doors.

10. Officers could smell an odor of marijuana emitting from within the Cadillac through an open window, as well as from ROQUE who was still standing next to the vehicle. The officers could also see through the back right window of the Cadillac, at which time they observed a loaded AK-style rifle and a pistol in plain view.

11. HPD Officers conducted a probable cause search of the vehicle and recovered the following items:

- a. Glock model 23 pistol, .40 caliber, SN: AELR034 (loaded)
 - b. Romarm model WASR-10UF rifle, 7.62 x 39mm caliber, SN: UF-4713-20
(loaded)
 - c. Hard plate ballistic vest with a "CDN" patch
 - d. Various ammunition
12. ROQUE claimed ownership of the aforementioned Cadillac Escalade and was in

possession of the keys to this Cadillac (in his pant pocket).

13. ROQUE was interviewed by officers on scene and ROQUE provided the following post-Miranda statements:

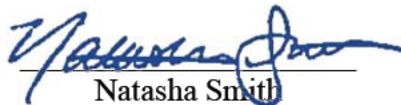
- a. He purchased the vehicle (2003 Cadillac) from a friend and he has had the vehicle for several weeks.
- b. He knew the firearms were inside the vehicle but they did not belong to him. He stated the firearms belonged to his friend.
- c. ROQUE self-identified as being a former gang member of the Braeswood Set Southwest Cholos.
- d. ROQUE made numerous statements regarding not being from “here,” (referring to the United States) repeatedly advising officers that he does not have “papers,” revealing his status as an alien illegally residing in the United States.
- e. ROQUE admitted to officers that he knows the process of signing for a firearm (referring to the paperwork and background check requirements for purchasing a firearm from a Federal Firearms Licensee (FFL)), further alluding to the fact that he is an illegal alien and therefore cannot lawfully acquire a firearm.

14. On June 29, 2020, ROQUE was interviewed by Joint Processing Center (JPC) staff at the JPC as part of the standard booking process. ROQUE told JPC staff that he was not a United States Citizen. ROQUE also stated that he was not a Lawful Permanent Resident. ROQUE admitted to being a native and citizen of Mexico. Records checks did not reveal any immigration history.

15. The Romarms rifle and the Glock pistol were both submitted to the HPD lab for test firing and subsequent NIBIN submission. Both firearms functioned as designed.

16. On July 16, 2020, SA Smith took possession of the Glock pistol from HPD. SA Smith determined that the firearm was manufactured outside the state of Texas and therefore had travelled in interstate commerce.

17. Due to the facts outlined above and to the best my knowledge and belief, all statements made in this affidavit are true and correct. Based on these facts, I believe probable cause exists for the issuance of an arrest warrant for David ROQUE for violations of Title 18 U.S.C § 922(g)(5).


Natasha Smith
Special Agent, TF

The foregoing affidavit was sworn to telephonically on this 28th day of July, 2020



HONORABLE Christina Bryan
U. S. Magistrate Judge